

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN THE MATTER OF:
ANDRZEJ POWROZNIK,
Debtor.

Chapter 7
Case No. 22-07859
Judge A. Benjamin Goldgar

NOTICE OF MOTION
PURSUANT TO FRBP 9016

TO: See Service List

PLEASE TAKE NOTICE that on May 12, 2023, at 11:00 a.m., I will appear before the Honorable A. Benjamin Goldgar, or any judge sitting in that judge's place, either in courtroom 642 of the Everett McKinley Dirksen United States Courthouse, 192 S. Dearborn Street, Chicago, IL 60604, or electronically as described below, and present **Creditor Gerlick's MOTION TO HAVE DEBTOR ANDRZEJ POWROZNIK AND BARBARA POWROZNIK HELD IN CONTEMPT PURSUANT TO FRBP 9016 (FRCP 45(g)), LOCAL RULE 9020-1, AND FRBP 9020**, a copy of which is attached.

All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government.

You may appear electronically by video or by telephone.

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and password. The meeting ID for this hearing is Meeting ID: 160 817 7512 and the password is 623389. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

Respectfully submitted,
MCQUILLAN LAW OFFICE LLC
Attorney for Creditor Jeff Gerlick

By: _____
Kevin K. McQuillan

McQuillan Law Office LLC
1155 S. Washington St., Suite 202
Naperville, IL 60540
Ph: 630-355-5950
kevin@mcq-law.com ARDC No. 1869825

CERTIFICATE OF SERVICE

I, Kevin K. McQuillan, certify that I served a copy of this notice and the attached motion on each entity shown on the following list at the address shown and by the method indicated on the list on May 3, 2023.

Kevin K. McQuillan

Service List

Debtor Andrzej Powroznik - first class mail postage prepaid
791 Hunter Lane
Lake Forest, IL 60045

Barbara Powroznik - first class mail postage prepaid
791 Hunter Lane
Lake Forest, IL 60045

Debtor Andrzej Powroznik % David Freydin, Law Offices of David Freydin
– Service via CM/ECF

Bankruptcy Trustee Ilene F. Goldstein
- Service via CM/ECF

U.S. Trustee – Patrick S. Layng
- Service via CM/ECF

Barbara Powroznik % Attorney Herman J. Marino
- Service via email at Marino (hjmarino@marinolaw.net)

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NORTHERN DISTRICT OF ILLINOIS
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IN THE MATTER OF:
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Chapter 7
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**CREDITOR GERLICK'S MOTION TO HAVE DEBTOR ANDRZEJ POWROZNIK
AND BARBARA POWROZNIK HELD IN CONTEMPT PURSUANT TO FRBP 9016
(FRCP 45(G)), LOCAL RULE 9020-1, AND FRBP 9020**

1. On March 31, 2023, this court entered an order granting creditor Jeff Gerlick's Motion to Compel (Doc 42) which order provided that: "Debtor Andrzej Powroznik and Barbara Powroznik must produce all documents requested in the subpoenas by April 28, 2023, and must appear for their Rule 2004 examinations by May 26, 2023." (Doc 43)
2. Barbara produced nothing.
3. Debtor Andrzej has not complied. His only additional production following the hearing on the Motion to Compel were bank statements for an account he apparently started after filing for bankruptcy. All the other deficiencies noted in the Motion to Compel still exist.
4. Despite multiple requests by Gerlick's counsel, Debtor Andrzej has offered no dates for his deposition.
5. The only dates offered for Barbara's deposition were the day before and the last day of the deadline. Gerlick's Counsel advised he could not wait so late to proceed because based on the Powroznik family's conduct in the past once they are under oath they begin to disclose additional documents they have not produced.

6. Gerlick's counsel has had to spend 1.4 hours in the research and preparation of this Motion and related Order. He anticipates that the hearing on this motion by Zoom will take approximately .3 hour, for a total of 1.7 hours necessitated by this contempt proceeding. His hourly rate for this matter is \$250/hour.

7. Gerlick has served in accordance with Local Rule 9020-1, FRBP 9020, 9014(b) and 7004, a copy of this Motion (and Notice) on both Barbara and Andrzej by first class mail postage prepaid to their dwelling house/usual place of abode/address shown in the Petition, and also served each of their attorneys as indicated on the service list attached to the Notice of Motion above.

WHEREFORE, Creditor Gerlick respectfully requests this court to adjudicate both Debtor Andrzej Powroznik and Barbara Powroznik in civil contempt of court with all appropriate related orders, for his fees/damages incurred, and for any other relief this court deems just and proper.

May 3, 2023

Respectfully submitted,
MCQUILLAN LAW OFFICE LLC
Attorney for Creditor JEFF GERLICK

By: _____
Kevin K. McQuillan

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 the above signed certifies that the statements set forth herein are true and correct.

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Naperville, IL 60540
Ph: 630-355-5950
kevin@mcq-law.com
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**ORDER FINDING DEBTOR ANDRZEJ POWROZNIK AND BARBARA
POWROZNIK IN CIVIL CONTEMPT OF COURT**

This matter coming before the court on the motion of Jeff Gerlick to have **Andrzej Powroznik And Barbara Powroznik Found In Civil Contempt Of Court**, due notice having been given, and the court being fully advised, IT IS HEREBY ORDERED:

The motion is granted. Debtor Andrzej Powroznik and Barbara Powroznik are found to be in civil contempt for failing without adequate excuse to obey the Court's order (Doc 43).

The court bases this ruling on its findings of fact that Barbara Powroznik produced nothing and Debtor Andrzej Powroznik has not complied. His only additional production following the hearing on the Motion to Compel were bank statements for an account he apparently started after filing for bankruptcy. All the other deficiencies noted in the Motion to Compel still exist.

Creditor Gerlick has sustained damage for his attorney's fees necessitated by this contempt proceeding of 1.7 hours at \$250/hour, both of which this court finds fair and reasonable, and awards Gerlick \$425 as damages to be paid by contemnors. Payment of such damages and compliance with this court's order (Doc 43) will purge the findings of contempt.

The United States Marshal shall arrest each contemnor and they shall be confined in the Chicago Metropolitan Correctional Center in Chicago, IL, until performance of the above conditions of purge, or until the contemnor be otherwise discharged pursuant to law.

No party will be required to pay or to advance to the Marshal any expenses for the upkeep of the prisoner. Upon this order, the person will not be detained in prison for a period exceeding 180 days. A certified copy of the order committing the contemnors will be sufficient warrant to the Marshal for the arrest and confinement.

ENTER:

Honorable A. Benjamin Goldgar
United States Bankruptcy Judge

Dated: May 12, 2023.

McQuillan Law Office LLC
1155 S. Washington St., Suite 202
Naperville, IL 60540
Ph: 630-355-5950
kevin@mcq-law.com
Attorney No. 204224